Appendix C
Fees and Minor Project Categories

- Summary of state fees
- Summary of federal fees
- Minor project categories for activities in floodplains (Part 31)
- Minor project categories for activities in/on/near inland lakes and streams (Part 301)
- Minor project categories for dam activities (Part 315)
- Minor project categories for projects on the Great Lakes (Part 325)
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APPENDIX C

State Fees, Federal Fees, Minor Project Categories, and General Permit Categories for Minor Projects

STATE FEES

All permit applications for projects located on an inland lake or stream, Great Lake, or within a wetland or *floodplain* regulated by Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; Part 325, Great Lakes Submerged Lands; *Floodplain* Regulatory Authority found in Part 31, Water Resources Protection; Part 353, Sand Dunes Protection and Management; Part 323, Shorelands Protection and Management; or Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), shall be accompanied by a fee in accordance with the following fee schedule. Fees are not cumulative, with the exception of *dam* and *critical dune* projects. The highest of all other fees will be charged. ***Final fee determination will be based upon the final administrative review of the plans and specifications provided with the permit application. The applicant will be notified if the final fee determination is different from that submitted with the application.***

CATEGORY	FEE
All projects not covered below.	$500
Minor Project Categories listed in R281.816 for Part 301, or R322.1013 for Part 325*	$50
General Permit Categories for minor activities in wetlands authorized under Section 30312 of Part 303*	$100
Minor Project Categories authorized under Section 3104(5) of Part 31*	$100
Marina Operating Permit Renewal or Transfer under Part 301.	$50
Marina Construction or Expansion Projects under Parts 301 or 325.	
• expansion of 1-10 slips	$50
• new marina of 1-10 slips	$100
• expansion of 11-50 slips	$250
• new marina of 11-50 slips	$500
• new or expansion marina over 50 slips	$10/slip
• existing marina - maintenance dredging of 10,000 cubic yards or more, or the addition of seawalls, bulkheads, or revetments of 500 feet or more	$1,500
Major Projects: Categories as listed below under Parts 301, 303, or 325	$2,000
• dredging of 10,000 cubic yards or more (wetlands excepted)	• new dredging or upland boat basin excavation in suspected contamination areas
• seawalls, bulkheads, or revetments of 500 feet or more	• filling or draining of 1 acre or more of contiguous coastal or inland wetland
• new commercial *docks* or wharves of 300 feet or more in length	• stream enclosures of 100 feet or more in length
• stream relocations of 500 feet or more in length	• new golf courses, subdivisions, or condominiums
• filling of 10,000 cubic yards or more (wetlands included)	• shore protection that extends 150 feet or more into a lake or stream
Critical Dune Area Projects under Part 353. Fees for Part 353 are in addition to other fees listed. **Revised Fees - See Page 2**	
High Risk Erosion Area Projects under Part 323.	
• additions to an existing single-family home	$50
• single-family home, garage, other single-family building, or building relocation	$100
• commercial or multi-family residential project	$500
Hydrologic review fee charged to Floodplain Projects where engineering computations are required to assess the impact of a proposed floodplain alteration on flood stage or discharge characteristics (This is in addition to the require application fee)	$1,500
Dam Projects under Part 315. Fees for Part 315 are in addition to the fees listed above.	
• dam height 6 feet or more, but less than 10 feet	$500
• dam height 10 feet or more, but less than 20 feet.	$1,000
• dam height 20 feet or more	$3,000
• dam repair, alteration, removal, or abandonment	$200
• minor projects pursuant to Section 27(1)*	$100

*****Minor Project Categories for Part 31, Part 301, Part 315, and Part 325, as well as General Permit Categories for Minor Activities under Part 303, are attached for your reference. If you would like a copy of a particular statute or administrative rules, you may submit a request to the Permit Consolidation Unit (PCU) at: MDEQ, LWMD, PCU, P.O. Box 30204, Lansing, MI 48909-7704, call 517-373-9244, or download a copy from our website at "www.michigan.gov/jointpermit".

FEDERAL FEES

All activities within the waters of the United States regulated by the USACE under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) may also require a permit from the USACE. The USACE will notify you of the appropriate federal filing fee when their permit application review has been completed and a preliminary determination has been made that a permit will be required. Fees are assessed as follows:

CATEGORY	FEE
• commercial or industrial users	$100
• noncommercial users	$10

DO NOT SUBMIT ANY FEE TO THE USACE UNTIL YOU ARE NOTIFIED OF THE REQUIRED AMOUNT.
NOTE: The federal filing fee is in addition to any fee required by the state of Michigan.

Fees
Part 353, Sand Dunes Protection and Management , 1994 PA 451, as amended

$150
- Decks with a cumulative area of 225 square feet or smaller.

$250
- Removal of blow sand to maintain an existing use (5 year permit).
- Installation of retaining walls or other erosion protection devices up to 100 feet in cumulative length.
- Removal of more than two but less than ten trees, not related to a commercial logging activity.
- Decks greater than a cumulative area of 225 square feet.
- Request to modify an existing permit that has not expired.

$600
- Additions, garages, gazebos, and storage buildings.
- Retaining walls and erosion protection devices larger than 100 feet in cumulative length.
- Parking areas not associated with a special use project.
- New, replacement, or maintenance of utilities for a single-family home, including a septic system.
- Removal of ten or more trees, not related to a commercial logging activity.
- Expansion of any road or driveway.
- Demolition or removal of a building.

$1300
- All other uses not listed, including:
  - Construction of a single family home and associated infrastructure.
  - Construction of each additional home, cottage, or guest dwelling on one property.
  - Relocation of a single family home and associated infrastructure.
  - Construction of a driveway serving one single family home.

$2000
- An industrial or commercial use where the area of impact will be no larger than 1/3 of an acre.

$4000
- Construction of a road or driveway if the road or driveway has the potential to serve a multi-family development of more than two homes or to serve a special use project.
- An industrial or commercial use where the area of impact will be larger than 1/3 of an acre.
- A multifamily use of more than 3 acres.
- A multifamily use of 3 acres or less if the density of use is greater than 4 individual residences per acre.
- A project that would damage or destroy features of archaeological or historical significance.

$2000
- Application for Special Exception (in addition to the above fees).

Effective 4/26/2005

Minor Project Categories for Part 31, Water Resources Protection, of the NREPA

(a) Construction, filling, or grading that is landward of the *floodway* limit identified in *floodplain* delineation studies listed in R 323.1314(1).
(b) Construction, filling, or grading that is landward of the bed and banks of the St. Marys, St. Clair, and Detroit rivers.
(c) Construction, filling, or grading that is landward of the *floodway* limits as determined by the department on stream reaches or in areas where *floodways* have not been defined by R 323.1314(1).
(d) Any construction or filling which is located within the following critical floodwater storage areas and which is done on an individually owned subdivision lot where the construction and fill is confined to less than 5,000 square feet:
  (i) Clinton river forks, as follows: Land areas within the *100-year floodplain* of the Clinton river and branches within Clinton township and Macomb township, Macomb county.
  (ii) Saginaw river storage area, as follows: Land areas within the *100-year floodplain* of the Saginaw river and tributaries, including Cheboyganing and Dutch creeks, between the cities of Saginaw and Bay City, Saginaw and Bay counties.
  (iii) Shiawassee flats, as follows: Land areas within the *100-year floodplain* of the lower reaches of the Shiawassee, Cass, Flint, Tittabawassee, and Bad rivers within Saginaw county.
  (iv) Snake creek, as follows: Land areas within the *100-year floodplain* of Snake creek in the city of Midland, Midland county.
  (v) Rush creek, as follows: Land areas within the *100-year floodplain* of Rush creek in Georgetown township and the city of Hudsonville, Ottawa county.
  (vi) Frank and Poet drain, as follows: Land areas within the *100-year floodplain* of the Frank and Poet drain in the city of Trenton, Wayne county.
(e) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations within 10 feet on either end of the bridge.
(f) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has the fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet on either side of the culvert.
(g) A boardwalk which is of open pile construction and which is landward of or along the existing shoreline.
(h) A pond where excavated materials are placed landward of the *floodway*, as defined in R 323.1311(g).
(i) A parking lot constructed at grade or resurfacing that is not more than 4 inches above the existing surface.
(j) A deck placed on a residential structure which is of open pile design, which is anchored to prevent flotation, and which does not extend over the bed and bank of a river or stream.
(k) A stormwater outfall which conforms to the side slope of the river, stream, or waterway and which does not project beyond the shoreline.

Minor Project Categories for Part 301, Inland Lakes and Streams, of the NREPA

(a)Noncommercial *piers*, *docks*, and *boat hoists* that meet all of the following design criteria:
  (i) The length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the watercourse and will not unreasonably interfere with the navigability or boatability of the water involved.
  (ii) Free littoral flow of water and drift material is provided for.
  (iii) Clean, nonpolluting materials will be used for the construction.
  (iv) The structure is a single pier or *dock* appurtenant to the applicant's upland or is an added boat hoist, minor pier, or extension to the existing boat hoist, pier, or *dock*.
(b)Spring piles and pile clusters that meet all of the following design and purpose criteria:
  (i) The location, number, and purpose for placement is usual for such projects in the vicinity and watercourse involved.
  (ii) All piles and other materials used in their placement are clean, nonpolluting materials.
  (iii) The location and placement will not create an obstruction to navigation.
(c)Seawalls, bulkheads, and other permanent revetment structures that meet all of the following purpose and design criteria:
  (i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, or the protection of, or improvements on, uplands.
  (ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
  (iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist. However, the department shall provide written notification to the adjoining riparian property owners for structures more than 200 feet in length. The department shall not complete action upon applications for such structures that are more than 200 feet in length for a period of 7 days from the mailing of the notification to allow adjoining riparian owners the opportunity to comment.
  (iv) The placement of backfill or other fill associated with the construction does not exceed an average of 2 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
  (v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
(d)Filling for the creation and improvement of swimming areas and beaches, the restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project that meet both of the following design criteria:
  (i) The fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
  (ii) Fill for the improvement of swimming areas or beaches, utilizing clean sand or gravel, will not exceed a blanket depth of 6 inches and will not be placed in a water depth exceeding 4 feet.
(e)Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
  (i) No reasonable expectation exists that the materials to be dredged are polluted.
  (ii) All dredging spoils will be removed to an upland site exclusive of wetland areas.
(f)Construction of bridges and culverts, whether new, replacement, or temporary, and the removal of bridges or culverts with the restoration of the crossing site that meet all of the following criteria:
  (i) The bridge or culvert structure proposed is of a type and design, including certifications, described by one of the following:
    (A) A clear span bridge that has the lowest bottom of beam elevation at or above the natural ground elevations on either bank and the approach fill sloping to natural ground elevations is within 10 feet on either end of the bridge.
    (B) A culvert which has an effective waterway opening that equals or exceeds the cross-sectional area of the channel, which has fill over the culvert that is not more than 1.5 feet, and which has approach fill that slopes to natural ground elevations within 10 feet of either side of the culvert.

(C) The proposed structure is a replacement stream crossing which fully spans the bottomlands and the owner or the owner's engineering consultant certifies that the proposed structure is of equal or greater hydraulic capacity, that deletion of auxiliary waterway openings is not planned, and that available information does not indicate the presence of a *harmful interference*.

(D) The proposed structure is a new stream crossing structure that fully spans the bottomlands. The design of the structure is certified by a registered professional engineer to pass the *100-year* flood, as determined by the department, without causing *harmful interference*. The certification includes hydraulic waterway design calculations.

(E) The proposed structure is a new or replacement structure to be placed on an upland channel or similar artificially constructed waterway where consideration for the passage of flow is not a significant design factor.

(F) The proposed structure is an extension of an existing bridge or culvert where the total extended length does not exceed 24 feet.

(ii) The structure will provide sufficient underclearance to facilitate passage of watercraft that could be expected to navigate the waters involved.

(iii) The total volume of fill to be placed below the ordinary high water mark for placement of the structure does not exceed 200 cubic yards.

(iv) The removal of existing structures will be conducted without dropping demolition materials in the watercourse, and haul roads, work pads, or other structures to facilitate the removal will not be placed below the ordinary high water mark.

(v) The structures will be designed and placed to assure that any increase in stream erosion or downcutting is prevented.

(g) Watercourse crossings by utilities, pipelines, cables, and sewer lines that meet all of the following design criteria:

(i) A minimum of 30 inches of cover will be maintained between the top of the cable or pipe and the bed of the stream or other watercourse on buried crossings.

(ii) The method of construction proposed is the least disturbing to the environment employable at the given site.

(iii) Any necessary backfilling will be of washed gravel.

(iv) The diameter of pipe, cable, or encasement does not exceed 20 inches.

(h) Dredging and construction or enlargement of ponds, lagoons, ditches, stormwater management basins, and similar artificial waterways if the proposed activity meets both of the following criteria:

(i) The artificial watercourse will have a surface area of less than 5 acres and have no direct connection to an existing inland lake or stream.

(ii) The resulting spoils will be placed on an appropriate upland site in a manner that will not impair flood flows or be eroded into public waters.

(i) Structural repair of man-made structures that meets all of the following design and purpose criteria:

(i) The repair will not alter the original use of a currently serviceable structure.

(ii) The repair will not adversely affect public trust values or interests, including navigation, fish migration, and water quality.

(iii) Any materials used for repair will be made of nonpolluting materials.

(j) Fish or wildlife habitat structures that meet all of the following criteria:

(i) The structures are placed so as not to impede navigation or create a navigational hazard.

(ii) The structures are anchored to the bottomlands.

(iii) The structures are constructed of nonpolluting materials.

(iv) The structure placement has the written authorization of the riparian owner and the appropriate department district fisheries or wildlife biologist, or both.

(k) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, that meet all of the following design and purpose criteria:

(i) The structures do not impede navigation or create a navigational hazard.

(ii) The devices are constructed of nonpolluting materials.

(iii) The placement of any scientific structure has the written authorization of the riparian owner.

(l) Navigational aids that meet either of the following criteria:

(i) The aids are approved by the United States coast guard.

(ii) The aids are approved under Part 801 of the act.

(m) Extension of a project under a current permit that will not result in any damage to natural resources.

(n) Physical removal of man-made structures or natural obstructions that meet all of the following criteria:

(i) The debris and spoils shall be removed to an upland site in a manner that will not impair flood flows or be eroded into public waters.

(ii) The stream bank or shoreline and bottom contours shall be restored to an acceptable condition.

(iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.

(iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

(o) Lake or impoundment drawdowns or the associated reflooding, or both, that meet the following design and purpose criteria:

(i) The purpose of the drawdown is described by one of the following criteria:

(A) The drawdown is temporary in nature for the purpose of inspection to determine the integrity of the impounding structure.

(B) The drawdown is associated with the routine operations of fish or wildlife floodings, ponds, or impoundments where the purpose of the drawdown is the enhancement or production of fish, wildlife, or associated habitat.

(C) A drawdown authorized by court order under the provisions of Part 307 of the act if the court has incorporated the department requirements into the court order or concurred in department recommendations to address environmental concerns under Part 301 of the act.

(ii) The potential adverse environmental effects of the drawdown have been determined to be minimal under R 281.814.

(p) Seismic cables across lakes and streams which are temporary in nature and which will be clearly identifiable by recreationists normally expected to use the body of water.

(q) Aquatic weed bottomland barriers that do not exceed 1600 square feet singly or in combination and that are installed with an anchoring system to assure permanent placement.

(r) Dry fire hydrant installations where the intake line will not interfere with navigability of the water involved.

(s) Storm water outlet structures where the activities do not exceed criteria of the designated minor project criteria for filling or dredging.

(t) Off-line stormwater basins constructed for storm water management that provide retention/detention and sediment settling or filtration before discharge.

(u) Boat ramps designed for single-family, private usage where the installation will not involve more than 10 cubic yards of dredging, with upland disposal, or filling.

(v) Aquatic plant removal with mechanical equipment designed to operate by air or water pressure or by raking or rolling actions if the treatment areas are 1600 square feet or less, if the water depth is 4 feet or less, and if the uprooted floating debris is removed and disposed of within upland areas.

(w) Recreational mineral (gold) prospecting by mechanical methods, such as portable (backpack) suction dredges or sluice boxes, if the activity is for recreational reasons only and if all of the following conditions are met:

(i) Individual prospecting areas are 300 square feet or less per location.

(ii) The intake nozzle for suction dredges is 2 inches in diameter or less.

(iii) Prospecting will not be done before July 1 or after August 31.
(iv) Stream bank excavation will not occur.
(v) The stream bottom is predominately gravel.

(x) Ditch plugs with or without water flow controls if the purpose is to reestablish the hydrology to previously drained areas, if all impacted parties acknowledge and provide their written authorizations, and if the proposed activities do not exceed other minor project criteria.

Minor Project Categories for Part 315, Dam Safety, of the NREPA

(1) The department shall grant or deny an application for a minor project after all of the following steps have been completed:
(a) Submission of a complete application.
(b) An on-site inspection by a department representative.
(c) A review of all appropriate information by the department.
(2) A review of a minor project does not require any of the following:
(a) Submission of the application materials by the department to any of the individuals or agencies listed in Section 23(1) of the act.
(b) A 20-day comment period as provided for in Section 23 of the act.
(c) A public hearing.
(3) Required plans and specifications for a minor project do not need to be prepared by a licensed professional engineer.
(4) The following alterations and repairs shall be considered minor projects pursuant to Section 27 of the act if the activity involves a temporary drawdown of 2 feet or less or involves a temporary drawdown where the dam owner is the sole riparian to the lands surrounding the impoundment:
(a) Dredging or filling of more than 25 cubic yards, but less than 300 cubic yards, as a single and complete project. For dredging projects, the project will not be considered minor unless evidence is provided with the application that the materials to be dredged are not contaminated pursuant to the provisions of Act No. 64 of the Public Acts of 1979, as amended, being ⇒299.501 et seq. of the Michigan Compiled Laws.
(b) Erosion protection measures that fulfill an identifiable need for erosion protection, bank stabilization, or the protection or improvement of the *dam* and its inlet and outlet channels. The fill material that is associated with erosion protection measures shall be in compliance with any of the following provisions:
(i) It shall have a volume of more than 25 cubic yards, but shall not have a volume of more than 300 cubic yards.
(ii) It shall not have a surface area of more than 10,000 square feet.
(iii) There shall not be more than 2 cubic yards per lineal foot.
(c) Other repairs and alterations that have a minimal effect on the structural integrity of the *dam*.
(5) Dredging or filling in volumes of less than 25 cubic yards shall be considered maintenance and does not require a permit pursuant to the provisions of the act.

Minor Project Categories for Part 325, Great Lakes Submerged Lands, of the NREPA

(1) The department may process applications in accordance with R 322.1014 for those projects of a minor nature which are not controversial; which have minimal adverse environmental impact; which will be constructed of clean, nonpolluting materials; which do not impair the use of the adjacent bottomlands by the public; and which do not adversely affect riparian interests of adjacent owners.
(2) The following projects are eligible for a minor project permit:
(a) Noncommercial single *piers, docks, and boat hoists* which meet the following design criteria:
(i) Are of a length or size not greater than the length or size of similar structures in the vicinity and on the watercourse involved.
(ii) Provide for the free littoral flow of water and drift material.
(b) Spring piles and pile clusters when their design and purposes are usual for such projects in the vicinity and watercourse involved.
(c) Seawalls, bulkheads, and other permanent revetment structures which meet all of the following purpose and design criteria:
(i) The proposed structure fulfills an identifiable need for erosion protection, bank stabilization, protection of uplands, or improvements on uplands.
(ii) The structure will be constructed of suitable materials free from pollutants, waste metal products, debris, or organic materials.
(iii) The structure is not more than 300 feet in length and is located in an area on the body of water where other similar structures already exist.
(iv) The placement of backfill or other fill associated with the construction does not exceed an average of 3 cubic yards per running foot along the shoreline and a maximum of 300 cubic yards.
(v) The structure or any associated fill will not be placed in a wetland area or placed in any manner that impairs surface water flow into or out of any wetland area.
(d) Groins: The Land and Water Division has determined that groin shore protection structures have a greater than minor impact to the environment and to adjacent owner riparian interest. Effective April 17, 2006, applications to construct or repair "groins" regulated under Part 325, Great Lakes Submerged Lands, of the NREPA, as amended, will be placed on Public Notice, per MDEQ Director's "Decision Document", signed February 22, 2006
(e) Filling for restoration of existing permitted fills, fills placed incidental to construction of other structures, and fills that do not exceed 300 cubic yards as a single and complete project, where the fill is of suitable material free from pollutants, waste metal products, debris, or organic materials.
(f) Dredging for the maintenance of previously dredged areas or dredging of not more than 300 cubic yards as a single and complete project when both of the following criteria are met:
(i) No reasonable expectation exists that the materials to be dredged are polluted.
(ii) All dredging materials will be removed to an upland site exclusive of wetland areas.
(g) Structural repair of man-made structures, except as exempted by R 322.1008(3), when their design and purpose meet both of the following criteria:
(i) The repair does not alter the original use of a recently serviceable structure.
(ii) The repair will not adversely affect public trust values or interests, including navigation and water quality.

(h) Fish or wildlife habitat structures which meet both of the following criteria:
(i) Are placed so the structures do not impede or create a navigational hazard.
(ii) Are anchored to the bottomlands.
(i) Scientific structures, such as staff gauges, water monitoring devices, water quality testing devices, survey devices, and core sampling devices, if the structures do not impede or create a navigational hazard.

(j) Navigational aids which meet both of the following criteria:
  (i) Are approved by the United States coast guard.
  (ii) Are approved under Part 801, Marine Safety, of the NREPA, being ∋324.80101 et seq. of the Michigan Compiled Laws.
(k) Extension of a project where work is being performed under a current permit and which will result in no damage to natural resources.
(l) A sand trap wall which meets all of the following criteria:
  (i) The wall is 300 feet or less in length along the shoreline.
  (ii) The wall does not extend more than 30 feet lakeward of the toe of bluff.
  (iii) The wall is low profile, that is, it is not more than 1 foot above the existing water level.
  (iv) The wall is constructed of wood or steel or other nonpolluting material.
(m) Physical removal of man-made structures or natural obstructions which meet all of the following criteria:
  (i) The debris and spoils shall be removed to an upland site, not in a wetland, in a manner which will not allow erosion into public waters.
  (ii) The shoreline and bottom contours shall be restored to an acceptable condition.
  (iii) Upon completion of structure removal, the site does not constitute a safety or navigational hazard.
  (iv) Department staff shall consider fisheries and wildlife resource values when evaluating applications for natural obstruction removal.

General Permit Categories for Minor Activities under Part 303, Wetlands Protection, of the NREPA

The following activities are incorporated into this list of General Permit categories. In order to be processed in accordance with expedited General Permit procedures, all criteria specified by each category must be met.

- A permit for an activity….shall not be approved unless the department determines the issuance of the permit is in the public interest, that the permit is necessary to realize the benefits derived from the activity, and that the activity is otherwise lawful.
- A permit shall not be issued unless it is shown that an unacceptable disruption will not result to the aquatic resources.
- A permit shall not be issued unless the applicant also shows either of the following:
  (a) The proposed activity is primarily dependent upon being located in the wetland.
  (b) A feasible and prudent alternative does not exist.
- The Department may determine that a project cannot be processed under a general permit category if it would impact wetlands associated with sensitive natural resources or requires review under a public notice for other reasons identified in the General Permit.

(A) Small ponds and Shallow Water Development for Wildlife. Construction or maintenance of water bodies less than one acre in size providing that dredge spoils including organic and inorganic soils, vegetation and debris shall be placed at an upland site, leveled and stabilized with sod, or seeded and mulched in such a manner as not to erode into any waterbody or wetland, and not be located in a floodway or harmfully interfere with flood flows. Direct connection to an existing inland lake or stream will not qualify for consideration under GP categories.

(B) Simple Elevated or Floating Structures.
1. Boardwalks. Open pile or floating boardwalks on steel or timber posts not to exceed 6 feet in width except for widening to allow passage of wheel chairs, etc., at 150 foot intervals and with a maximum cumulative length through wetlands of 500 feet.
2. Platforms. Open pile or floating platforms on steel or timber posts not to exceed 120 square feet of surface area.
3. Safety Fences. Residential open wire safety fences elevated above the wetland on poles, placed to prevent children, pets, etc., from entering the wetland, and limited to 4 feet in height and 150 feet in total length through wetland.

(C) Walkways. Filling for walkways or footpaths not to exceed 6 feet in base width and 200 feet in length where boardwalks or elevated walkways are not feasible or practical. Culverts will be required where necessary to provide for the free flow of surface water. If in a floodplain, the grade elevation change shall not exceed six inches.

(D) Driveways. Construction of new driveways or the widening of existing driveways, provided that:
1. Any upland on the property or other alternatives, such as obtaining a permanent easement for access from adjacent upland if available or shared driveway, is utilized to the greatest degree possible;
2. The location of the driveway is at the least damaging place on the property (e.g., as close to any upland edge as possible) and the driveway crosses the shortest wetland area or area of least impact;
3. The portion or portions of the driveway that pass through wetland are restricted to a total of 16 feet in base width (includes the width of any existing drive and associated fill) and a total of 200 linear feet. The driveway may be wider than 16 feet at the intersection with the public road if the applicant provides proof that the additional width is a requirement of a public transportation agency. No ditches may be placed in the wetland in association with the driveway.
4. The driveway must terminate at a buildable upland site.

(E) Utilities. The placement of utilities through wetland, including activities such as, sewer and water line construction; electric transmission and telephone poles and lines; underground utility lines; or oil/gas pipelines with outside diameter larger than six inches; provided that the following conditions are met:
1. Crossing sites shall be selected so as to minimize the impact on the wetland.
2. Construction shall be completed using construction methods, equipment, and materials that will minimize the impact on the wetland;
3. If excavated material is contaminated based on sediment leachate data, it may not be used as backfill and it shall be removed from the wetland and placed in a licensed landfill;
4. Project design features shall assure that backfill used in an excavated trench will not result in drainage of the wetland;
5. A minimum of 30 inches of cover shall be maintained between the top of the cable, pipe, encasement, etc., to the existing grade of the wetland;
6. The outside diameter of the pipe, cable, encasement, etc., shall not exceed 20 inches;
7. The top 6 inches to 12 inches of the trench shall be backfilled with topsoil from the trench. If material is contaminated, it shall be handled as indicated under *3.* above, and uncontaminated, clean topsoil shall be brought in to fill the trench;
8. Excavated material sidecast or stockpiled in the wetland shall not remain for over 30 days and must be utilized as backfill or removed before completion of the project;
9. Excess excavated material must be removed from the wetland and disposed of at an upland site and stabilized to prevent erosion; and,
10. The applicant shall restore the disturbed area to preconstruction contours and conditions within 30 days of the completion of the project and revegetate the disturbed area.

(F) Oil, Gas, and Mineral Well Access Roads. Access roads for oil/gas drilling or mineral well drilling activities where angle drilling from upland is not feasible and where the activity is of minor impact, on both an individual and cumulative basis, to the wetland. Access roads shall not exceed 20 feet in base width on filter fabric or equivalent

material. Culverts will be required, where necessary, to provide for the free flow of surface water or to avoid restricting low flows and the movement of aquatic organisms. Immediately upon plugging the well, all fill material shall be removed, the original wetland contours restored, and the site stabilized with a wetland seed source and mulched if necessary.

(G) Stormwater Outfalls. Stormwater outfalls provided that the outlet is riprapped or otherwise stabilized to prevent soil erosion and that the stormwater will be pretreated by incorporating permanent Best Management Practices or otherwise meet State water quality standards and applicable discharge permit requirements.

(H) Culverts. Culverts, if installed for water level equalization, i.e., to provide for the free flow of surface water between portions of a wetland system, and to equalize the static water pressure.

(I) Emergency Drain Maintenance. Projects not otherwise exempt under Section 30305(2)(h) involving maintenance, repair, or operation of an existing drain where necessary to alleviate flooding on an emergency basis, providing that:

1. The activity does not otherwise require a permit under Part 301, Inland Lakes and Streams, of the NREPA;
2. The area and extent of current wetlands will not be diminished; and
3. The activity is limited to restoring the drain to depths and widths that do not exceed historic dimensions as defined by the original permit issued under Parts 301 and/or 303, or by the original engineering design in the instance of a drain constructed prior to the effective date of Part 301.

(J) Septic System Replacement. Replacement of a failed on-site septic tank and/or drain field system providing that it is required by and meets design standards of the local health department. When possible the replacement tank and field system must be in the same location as the original system. Where the option is available, pump-back systems to upland will be required in place of mounded systems in order to qualify for construction under this GP category. A copy of the local health department permit or permission must be submitted to the LWMD at the time of application.

(K) Repairs to Serviceable Structures. Repairs to a serviceable structure that is not otherwise exempt from permits under Part 303 provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated in the original design. This category applies to structures in existence on October 1, 1980, or constructed pursuant to Part 303. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, current construction codes, or safety standards, that are necessary to make repairs may still be considered under this category providing that the environmental impacts resulting from the entire repair are minimal. Serviceable means useable as is or with minor repair, but not so degraded as to essentially require reconstruction. Serviceable structures damaged by storms, floods, fire, or other discrete events are included under this category provided that the repairs are commenced or under contract to commence within one year of the date of the damage.

(L) Completed Enforcement Actions. Any structure, work, or discharge of dredged or fill material undertaken in accordance with, or remaining in place in compliance with, the terms of a final court decision, consent decree, or formal written settlement agreement resolving a violation of Part 303, provided that:

1. No more than five acres of wetland are impacted, and;
2. Resolution of the violation will provide environmental benefits equal to or greater than the environmental detriments caused by the violation. The use of this GP does not preclude the requirement for mitigation or creation of a conservation easement in the decision, decree, or agreement.

(M) Emergency Spill Cleanup. Activities required for the emergency containment and cleanup of oil and hazardous substances provided that:

1. The work is done in accordance with State or Federal contingency plans;
2. The MDEQ division or Federal agency responsible for requiring the spill cleanup concurs with the proposed containment and cleanup actions, and the applicant provides some proof of this concurrence with the application; and
3. The wetland will be fully restored to its original condition prior to the discharge or spill.

(N) Cleanup of Hazardous Substances and Hazardous and Toxic Waste. Specific activities required to affect the containment, stabilization, or removal of hazardous substances or hazardous or toxic waste materials that are performed, ordered, or sponsored by the U.S. Environmental Protection Agency or the MDEQ provided that the plan prevents, to the extent feasible, any impacts to water or wetlands. The application must include a delineation of the affected wetland and a letter from the agency requiring the cleanup confirming the need for and explaining the scope of the cleanup. Court-ordered remedial action plans or related settlements also qualify under this category. This category does not include the establishment of new disposal sites, nor does it include improvements or expansions of existing sites, such as caps, leachate collection ponds, access roads, etc., that are used for the disposal of hazardous or toxic wastes, all of which will be processed as individual permit applications.

(O) Maintenance Dredging of Man-made Stormwater and Wastewater Treatment Ponds and Lagoons. Excavation and removal of accumulated sediment for maintenance of functional, active, and legally constructed stormwater retention or detention basins, sediment basins, treatment ponds and lagoons, or other man-made water treatment or retention areas created for those sole purposes, provided that the dredged material is placed in an upland site outside of regulated floodplains and stabilized with sod, or seeded, mulched, or riprapped, as necessary, to prevent soil erosion into any inland lake, stream, or wetland, or dredged material that is placed in a licensed landfill based on sediment leachate analysis of the material. The applicant shall submit the analytical results and sampling locations with the application. The upland disposal sites or licensed landfill must be identified in the plans.

(P) Public Road Projects. Public road projects contained within the existing right-of-way where all practical means have been used to minimize the wetland impact, and all components of the project will impact no more than two acres of wetland. This category shall be further restricted to the following:

1. Safety Improvements. The following projects which, after a finding of necessity by the public transportation agency, are determined to be required for safety reasons and for which the wetland fill will not exceed one-third acre per wetland.
   a. Flattening of road slopes to meet the minimum safety standard.
   b. Construction of standard shoulder widths.
   c. Installation of guardrail flares.
   d. Intersection improvements.
   e. Elimination of roadside obstacles, such as sign platforms and utility poles.
   f. Addition of a lane for safety reasons.
2. Roadside Ditch Maintenance. Re-establishment of existing roadside ditches to the original size, shape, and location where the draining of adjacent wetlands will not occur. Excavated materials must be disposed of and stabilized on upland, except when a berm is needed along the ditch to minimize adjacent wetland drainage.
3. Equalizer Culverts. Replacement, extension, or maintenance of an existing equalizer culvert that is required to maintain a hydraulic connection and static water pressure between parts of a wetland severed by an existing roadway where the extension will not exceed the toe of slope on either side of the fill.
4. Temporary work pads where the site will be restored to its preconstruction condition within one year.

(Q) Minor Fills. Minor fills for the construction or expansion of single family residences with the total fill area in wetlands not exceeding one-quarter acre for all phases of the residential construction, including driveways (this GP category cannot be used in conjunction with *Category D. Driveways*) garages, small storage sheds (not to exceed 100 square feet), and all waste treatment facilities, provided that:

1. No fill shall be placed in any part of a wetland that is inundated by water and provides fish and/or wildlife habitat functions at any time.
2. All upland on the property shall be utilized to the greatest degree possible.
3. The proposed fill in wetlands shall be at the least damaging location on the property.
4. All necessary actions shall be taken to minimize on-site and off-site impacts including sewage treatment systems that pump back to uplands where feasible.

5. The filled area surrounding building foundations will not be greater than 15 feet from the edge of the foundation to the toe of the slope. Fill slopes shall not be flatter than 1 vertical to 4 horizontal. Additional fill for purposes such as landscaping or recreational facilities will not qualify under this category.
6. The ownership of the parcel of land shall have been maintained within the immediate family (the original owners or their children) since October 1, 1980.

Note: This minor fill GP can be used only once on a parcel of land that existed prior to October 1, 1980, and only one permit can be granted to a family. It cannot be used on parcels established on or after October 1, 1980. Only one permit under this minor fill provision of the GP may be granted to a person.

(R) Restoration of Altered Wetland Areas. This category applies only to projects that serve to restore or enhance wetland hydrology, vegetation, and functions of altered wetlands. Altered wetlands include areas that have been partially or fully drained, or where other land use conversions have resulted in significant alteration of the original character of the site. This category does not include the conversion of unaltered wetlands or other stable beneficial wetland ecosystems to another aquatic use, such as the creation of a pond or impoundment where a wet meadow, fen, or forested wetland exists. Projects under this category are limited to the restoration of altered wetlands by State, Federal, and nonprofit conservation agencies and organizations. Such activities include:

1. Installation and maintenance of small water control structures, dikes, and berms;
2. Removal or blocking of existing drainage structures; and,
3. Construction of small nesting islands.

Wetland fill for dikes, nesting islands, and other structures shall not exceed two acres. The purpose of such fill shall be to increase the functions and value of wetland resources and shall not result in a net loss of wetland acreage or function.

The following activities cannot be authorized under this General Permit category; individual permits are required:

1. Construction of a dike or berm that is six feet of more in height and that impounds an area of five acres or more during a design flood; such activity requires authorization under Part 315, Dam Safety of the NREPA.
2. Any encroachment of a floodplain, floodway, or stream channel that drains over two square miles except for those activities meeting the minor project categories listed the State's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the NREPA.
3. Any alteration of a lake or stream requiring approval under Part 301, Inland Lakes and Streams, of the NREPA, except those activities meeting minor project categories listed in the Administrative Rules for Part 301.
4. Any alteration of Great Lakes submerged bottomlands requiring approval under Part 325, Submerged Lands, of the NREPA, except those activities meeting the minor project categories listed in Part 325.
5. Projects that require a permit under Part 323, Shorelands Protection and Management of the NREPA.
6. Projects that require a permit under Part 353, Sand Dune Protection and Management, of the NREPA.

Determination of whether an application may be processed under these GP Categories will be made by DEQ staff.
Issuance of a permit pursuant to GP procedures does not remove the need for other applicable local, State, or Federal permits.
This GP modifies and replaces the June 18, 1997 *General Permit Categories for Minor Activities in Wetlands in the State of Michigan* and shall expire on June 14, 2007, unless revoked or modified before that date.